

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION**

PATRICK AKERLUND, *et al.*,

Plaintiffs,

v.

ATLAS AIR, INC., *et al.*,

Defendants.

Case No. 1:22-cv-23519-KMM-LFL

**ATLAS AIR’S REPLY IN SUPPORT OF ITS MOTION TO DISMISS THE  
THIRD AMENDED COMPLAINT**

In response to Atlas Air’s (“Atlas”) Motion to Dismiss the Third Amended Complaint [ECF No. 81] (“MTD”), Plaintiffs submitted a three-page brief in opposition. *See generally* Resp. to MTD [ECF No. 83] (“Response”). Plaintiffs’ argument does not (and cannot) rebut that the Third Amended Complaint—including the one new count (Count XI) raising the Emergency Use Authorization (“EUA”) claim—fails (1) to establish that this Court has personal jurisdiction over any of the 47 non-Florida Atlas Plaintiffs’ claims under Rule 12(b)(2); and (2) to state any legally viable claim under Rule 12(b)(6). Therefore, Atlas respectfully waives reply and rests on the arguments already set forth in its MTD and earlier briefing. In particular, Atlas would direct the Court’s attention to its prior decision in *Lloyd v. Sch. Bd. of Palm Beach Cnty.*, 570 F. Supp. 3d 1165, 1175 (S.D. Fla. 2021) (*see* MTD at 6), which denied an EUA claim based on arguments similar to those raised in Atlas’s MTD.

Accordingly, Atlas respectfully requests that the Court dismiss the Third Amended Complaint with prejudice.

Dated: November 16, 2023

Respectfully Submitted,

/s/ Michelle Hogan

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***Attorneys for Defendant Atlas Air, Inc.***

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on November 16, 2023, I electronically filed a true and correct copy of the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send notice of electronic filing to all parties at the email addresses on file with the Clerk of Court.

/s/ Michelle Hogan  
Michelle Hogan